



**City of Hermosa Beach**  
 1315 Valley Drive, Hermosa Beach, CA 90254  
 310.318-0203 - Fax 310.372-6186  
 Email: [recordsrequest@hermosabch.org](mailto:recordsrequest@hermosabch.org)



PRR-19-00165

Received By: Taneshia Hudson  
 Referred To: Public Works  
 Date Referred: 11/04/19

## Public Records Request

The City of Hermosa Beach encourages public participation in the governing process and provides reasonable accessibility to all public records except those documents which are exempt from disclosure by express provisions of law or considered confidential or privileged under the law. The City is under no obligation to respond to requests which are not focused or specific. The City may withhold documents which are exempt from disclosure under state or federal law, including the attorney—client privilege or any other applicable privilege. The City, in accordance with Government Code Section 6253(b), has ten (10) days to respond to any request for public documents by indicating whether or not the documents exist and will be made available. Actual production of the documents may take somewhat longer depending upon their ease of availability and staff workload. To assist us in providing a timely response to your request, please fill out the form below and indicate the specific record/document you wish to review.

Name (please print): <u>HIGGINS, TONY</u>		Email: _____
Address: _____		Phone: _____
City: _____		Fax: _____

### Record or Document Requested:

To assist the City with your request, please identify each requested record/document separately. Please be as specific as possible. Non specific inquiries may cause responses to be delayed or may prove to be burdensome and therefore the City may not be able to respond. (Additional sheets may be used) **Submit all requests to the City Clerk's Office.**

see Attached

Photocopies are \$0.20 per page (Mailing fee, if applicable is \$3.00 plus postage). Fees must be paid before records are released.

I agree to pay all applicable fees and charges per the City Council Resolution of Fees for any copies I request of the above mentioned document. *Accepted method of payment:* Cash or check. Credit card accepted in person only.

Signature \_\_\_\_\_

Date \_\_\_\_\_

### For Departmental Use Only:

#### Action Requested:

☐ Review Only  
☐ Copies Requested

#### Action Taken:

☐ Document Reviewed  
☐ Copies Provided  
☐ Refusal/Reason \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_  
☐ Non-Existent Document  
☐ Other (Please Explain) \_\_\_\_\_

### For City Clerk's Use Only:

Date Requestor Notified \_\_\_\_\_ Notified By: \_\_\_\_\_ Date Picked Up or Mailed \_\_\_\_\_

## Tanesha Hudson

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**From:** tony <tony.higgins123@gmail.com>  
**Sent:** Monday, November 4, 2019 4:12 PM  
**To:** Records Request  
**Cc:** Tony Higgins; City Council; City Clerk; Michael Jenkins; Suja Lowenthal; r f; Walter Booty; Gary Mammet; Derrek Higgins  
**Subject:** ADA sidewalk compliance on 27th westbound between Morningside Drive and Manhattan Ave

Monday, November 4, 2019

To: Records Request Officer

From: Anthony Higgins

Subj: Possible Violation of ADA Safety and Accessibility statute related to 27<sup>th</sup> Street Sidewalks

Dear Records Request Officer,

This Public Records request is necessary because directors from city departments including Public Works, Planning and Code enforcement and the Police Department have all publicly stated that they will not answer any more of my questions related to the Health, Safety, Quality of Life, Property Rights impacts that the increasing number & increasing frequency of heavy trucks are having on our neighborhood; nor will they or their departments answer any further questions on what can be done to mitigate these impacts.

Uniformly they claim I am wasting staff time.

The street segment in question is 27<sup>th</sup> between Morningside Drive and Manhattan Ave.

The topology of 27th Street on this road segment is unique in that there is a high volume of legal and illegal truck traffic running inches from the westbound curb on a steep narrow crested street, and where telephone poles are obstructing a steep narrow sidewalk; creating a clear and present hazard to pedestrians, cyclists and disabled persons.

Simply stated, the ADA requires that when a street undergoes a curb to curb repaving the city must evaluate accessibility and safety issues on the associated sidewalks; and if certain criteria are not met, then the city may be required to bring that sidewalk into ADA compliance as part of the overall project.

I posit that the city intentionally ignored and possibly obstructed the ADA statute, relating to minimum sidewalk width requirements. To wit, a city director told me over the phone if I brought up addressing the non-ADA-compliant telephone poles in the context of the curb to curb milling and repaving of 27<sup>th</sup> street the project to fix nearly 100 failing pot holes by repaving the street would be put likely be put on hold.

The ADA states that sidewalks must provide a 48-inch-wide obstruction free pathway and that this may only be made more-narrow if the lead agency issues a waiver.

But this waiver can only allow a minimum sidewalk with of 36 inches and only if certain conditions are met. The lead agency may NOT issue a safety and accessibility waiver for obstructions that provide less than 36 inches of sidewalkclearance.

There are 5 telephone poles on the sidewalk on 27<sup>th</sup> Street. All provide less than 48 inches of clearance and therefore would require a waiver. Three of the poles provide less than 36 inches clearance and therefore would seem not to be eligible for a waiver. Two of the poles provide the absolute minimum of 36 inches. All but one of the five poles forces pedestrians toward the curb and the truck and vehicle hazard.

Accordingly, I request records that identify the following in this Public Records Request:

1. Any ADA sidewalk accessibility waivers for EACH of these 5 telephone poles that provide less than 48 inches of clearance on this sidewalk. As previously noted 3 of 5 of these poles provide less than 36 inches clearance between the pole and the curb.
2. All records describing why (or why not) these ADA waivers were issued.
3. Documents providing accurate measurements of the clearance between the sidewalk and the curb for each of these poles.
4. The 27<sup>th</sup> street paving project was funded as subset of a larger project. I seek records that identify that project and its funding sources, the overall project's total budget and any unspent dollars.
5. Any records that the city believes would constitute a safety-study of truck traffic that considers current and projected trucks size and volume and that might support the cities contention that the road and sidewalk are safe for pedestrians, cyclists and disabled persons.
6. City Leadership has stated on several occasions that some of the telephone poles are owned by the city and some are owned by the Utility. I seek records that identify that clarify ownership of each these poles.
7. If no ADA compliant waivers were issued for the pole obstructions, then I request all documents that describe why the sidewalk ADA sidewalk compliance was not evaluated as a function of the overall project.
8. I request all records related to ADA compliance of the aforementioned records.

Thank You,

Anthony Higgins